



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
UPPER PENINSULA



C. HEIDI GRETHER
DIRECTOR

December 5, 2016

Mr. Andrew Boushy
E 807 Gerue Street
Stephenson, Michigan 49887

Dear Mr. Boushy:

SUBJECT: Preapplication Meeting
Michigan Department of Environmental Quality (MDEQ)
Submission Number 2KM-Z909-JT37

This letter is a follow-up to our November 29, 2016, preapplication meeting regarding the proposed project in Lake Township, Menominee County. The purpose of a preapplication meeting is to provide you with information that will clarify the permit process, answer preliminary questions about your specific project in order to avoid delays at a later date, and to determine, if possible, the need for wetland or inland lakes and streams permits.

During this meeting we reviewed the need to obtain a permit under Part 301, Inland Lakes and Streams; and Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA). The review was based on discussion of the proposed project and draft permit application, the proposed site, and potential modifications to the project discussed during our meeting.

Based on the information provided with pertinent sections of a draft permit application and reviewed in our office, including your delineation of wetlands and streams on the proposed project site, the MDEQ's Water Resources Division (WRD) has determined that a permit is required under Part 303 and Part 301 of the NREPA. Please reference the submission number at the top of this letter when submitting a permit application for this project.

During the meeting, we also discussed a number of issues related to the project, including the following:

- Information on completing the application and supporting materials. We discussed a number of sections of the draft application and detailed the information that will be submitted as part of a future application.
 - LEDPA
 - The LEDPA should provide detail on the proposed onsite impacts and outline various technologies, methods and designs that have been analyzed that may avoid or minimize these impacts.
 - Baseline Water Quality

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- Provide maps/ figures within the section to summarize the data collected and provided with the draft application.
- Aquatic Impacts Analysis
 - Ensure the sampling criteria employed for data collection is similar or comparable to DEQ's Procedure 51 for biological surveys.
 - Provide sufficient information on existing conditions within the aquatic communities to demonstrate that the proposed preservation area meets or exceeds the habitat that is proposed to be impacted.
- Mine Site Invasive Species Management
 - Include information for onsite monitoring and management of invasive species.
- Mussel Relocation Plan
 - Information on the mussel relocation plan will be forthcoming in the application and Stantec is currently working with DNR Fisheries Division to outline relocation and monitoring protocol.
- Mitigation Plan
 - The draft mitigation plan has been formatted into the DEQ recommended template.
 - Additional biological and ecological surveys have been performed on the site. Provide details regarding habitat improvement or restoration and the targets to be achieved.
- Cultural Resource Report
 - Additional information on cultural resource surveys that have been conducted on the property are included with the draft application. The information in the draft application was not reviewed.
- Indirect Impacts Evaluation
 - The indirect impacts were not included with the draft application but were discussed at the meeting.
 - Include data such as wetland water budgets and information on limiting layers in perched wetlands to support the indirect impacts evaluation.
- Monitoring Plan
 - The monitoring plan should include additional detail on existing regulated resources will be monitored, an adaptive management plan to avoid and minimize potential impacts to resources, and details on how the applicant will maintain regulatory compliance on the property.
- The potential presence of state or federally-listed threatened or endangered species on the site. We recommend review of the material available on the Michigan Department of Natural Resources' (MDNR) Web site at: <http://www.mcgi.state.mi.us/esa/> for further information regarding coordination with the MDNR.

Please note that this is not a permit. The WRD cannot indicate during a preapplication meeting whether or not a permit will be issued. The WRD cannot make a decision regarding a permit until it has considered all of the information provided in the final permit application, and, in some instances, has also considered comments received in response to a public notice of the project. Therefore, the WRD cannot legally tell you

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whether the project will be permitted in advance of a permit application being submitted and reviewed.

The MDEQ submission number assigned to this project is 2KM-Z909-JT37. Please keep a record of this submission number and use it when submitting a final application or otherwise corresponding with our office on this project.

We appreciate the opportunity to meet with you or your representative to address these concerns. We have established a submission for this project, and the information submitted to date will be used to facilitate processing of the final application. If you should have follow-up questions before then, please contact me at 906-236-0380; WilsonK17@michigan.gov; or MDEQ, WRD, Upper Peninsula District Office, 1504 West Washington Street, Marquette, MI, 49855.

Sincerely,



Kristi Wilson
Water Resources Division

cc: via email
Kris Baran, Foth
Steve Donahue, Foth
Jeff King, King and MacGregor
Jon Gumtow, Stantec
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